

**9-32. Administrative Enforcement Authority Under Part B: Proposed and Final Orders and Agency Representation in Hearings (1200 TN 350 9-32)****1. AUTHORITY.** Pursuant to the Safe Drinking Water Act (SDWA), Part B:

- a. To issue proposed orders requiring compliance;
- b. To provide the primacy State an opportunity to confer;
- c. To conduct and represent the Agency in a public hearing;
- d. To amend or withdraw proposed orders requiring compliance; and
- e. To issue final orders requiring compliance.

**2. TO WHOM DELEGATED.**

- a. Director, Enforcement and Assurance Compliance Division (ECAD); Chief, Water Branch, ECAD; and Chief, Drinking Water, Groundwater and Wetlands Section, ECAD.
- b. Staff in ECAD and Water Division (WD) are delegated authority 1.c. only.

**3. LIMITATIONS.**

- a. The delegates must consult with Regional Counsel before exercising these authorities.
- b. The public hearings in 1.c., above, are for the purpose of gathering information only, pursuant to §1414(f) of the SDWA.

**4. REDELEGATION AUTHORITY.**

- a. This authority may not be redelegated without formal amendment.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.


**9-32. Administrative Enforcement Authority Under Part B: Proposed and Final Orders and Agency Representation in Hearings (continued)**

**5. ADDITIONAL REFERENCES.**

- a. See the Chapter 9 delegations entitled:
  - i. “Civil Judicial Enforcement Actions.”
  - ii. “Emergency Administrative Powers.”
- b. Sections 1414(a)(1)(A) and (B), (f), (g)(1) and (g)(2) of the SDWA.
- c. Section 1445 of the SDWA.
- d. Guidance on Headquarters Involvement in the Issuances by Regions of the First Proposed and Final Administrative Orders.
- e. 40 CFR Part 142 Subpart J - Procedures for PWS Administration Compliance Orders.

**6. SUPERSESSION.** Delegations Manual, SDWA, Regional Delegation 9-32. Administrative Enforcement Authority Under Part B: Proposed and Final Orders and Agency Representation in Hearings, 1200 TN RIII 205 (November 30, 2018).

Date APR 15 2019

  
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Cosmo Servidio  
Regional Administrator